

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Jessie D. McDonald,

Plaintiff,

v.

Civil No. 08-5069 (JNE/JSM)
ORDER

Overnite Express, et al., and
Transport Leasing/Contract, Inc.,

Defendants.

This case is before the Court on a Report and Recommendation issued by the Honorable Janie S. Mayeron, United States Magistrate Judge, on June 18, 2009. The magistrate judge recommended that Defendant Transport Leasing/Contract, Inc.'s Motion to Dismiss be granted; Defendant Overnite Express, Inc.'s and Defendant Quail Trucking, Ltd.'s¹ Motion to Dismiss be granted; Plaintiff's Motion for a Default Judgment be denied; and Plaintiff's Motion for Relief of Judgment be denied. Plaintiff objected to the Report and Recommendation. The Court has conducted a de novo review of the record. *See* D. Minn. LR 72.2(b). Based on that review, the Court adopts the Report and Recommendation. Therefore, IT IS ORDERED THAT:

1. Defendant Transport Leasing/Contract, Inc.'s Motion to Dismiss [Docket No. 11] is GRANTED.
2. Defendant Overnite Express, Inc.'s and Defendant Quail Trucking, Ltd.'s Motion to Dismiss [Docket No. 15] is GRANTED.
3. Plaintiff's Motion for a Default Judgment [Docket No. 24] is DENIED.

¹ Though the case caption does not include Quail Trucking, Plaintiff's Complaint and Amended Complaint state that he seeks relief from Quail Trucking, and Quail Trucking has answered and moved to dismiss. No party has asked the Court to amend the case caption.

4. Plaintiff's Motion for Relief of Judgment [Docket No. 41] is DENIED.
5. Plaintiff's claims under 42 U.S.C. §§ 1983, 1985, 1986 against Overnite Express, Transport Leasing/Contract, and Quail Trucking are DISMISSED WITH PREJUDICE.

Dated: July 10, 2009

s/ Joan N. Ericksen
JOAN N. ERICKSEN
United States District Judge